

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2059 - HB 2159

March 21, 2022

SUMMARY OF BILL AS AMENDED (016107): Requires county election commissions to post certain instructions in polling places where precinct-based optical scanners are utilized. Requires voting machine technicians to certify in writing that the proper firmware is loaded on each unit of voting equipment and that the system settings are correct when inspecting precinct-based optical scanners.

Requires Williamson County, as a pilot project, to conduct automatic mandatory audits after each election conducted in 2022. Prescribes the manner in which such audits must be conducted. Deletes this specific requirement on January 1, 2023.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 2-7-111, the officer of elections at each polling place is responsible for posting sample ballots, voting instructions, and other materials.
- County election commissions utilizing precinct-based optical scanners can place additional instructions in polling places utilizing existing resources, if they are not doing so already.
- Tennessee Code Annotated § 2-20-103(a) requires all county election commissions utilizing a precinct-based optical scanner to conduct an automatic mandatory audit of the voter-verified paper ballots cast for the top race following each November general election.
- The proposed legislation would require Williamson County to conduct an audit of an additional race from the November 2022 election and an audit of the race for the highest countywide office after the May and August 2022 elections.
- To perform the audits, the county election commission would be required to randomly select at least one precinct-based optical scanner from a convenience voting center in the county and at least one precinct to audit the absentee by-mail ballots cast in the precinct.
- Based on information provided by the Division of Elections, it is estimated that the Williamson County election commission can perform the required audits within existing resources.
- The fiscal impact to state and local government is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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